

House Bill 212 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Parsons of the 42nd, Oliver of the 83rd, Talton of the 145th, Lunsford of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-9 of the Official Code of Georgia Annotated, relating to appointment of a guardian ad litem for a child in a proceeding in juvenile court, so as to require certain training for guardians ad litem appointed for children in deprivation cases; to provide that such training shall not be in addition to current continuing legal education requirements for attorneys; to provide for exemptions in certain circumstances; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-9 of the Official Code of Georgia Annotated, relating to appointment of a guardian ad litem for a child in a proceeding in juvenile court, is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) The court at any stage of a proceeding under this article, on application of a party or on its own motion, shall appoint a guardian ad litem for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or if the interests of the parent, guardian, or custodian appearing on the child's behalf conflict with the child's interests or in any other case in which the interests of the child require a guardian. A party to the proceeding or the employee or representative of a party to the proceeding shall not be appointed. In deprivation cases, a person appointed as a child's guardian ad litem must have received before the appointment training appropriate to the role that is administered or approved by the Office of the Child Advocate, and may be an attorney or court appointed special advocate, or both, may be appointed as the child's guardian ad litem. For attorneys, the preappointment training required pursuant to this Code section shall be satisfied within attorneys' existing continuing legal education obligations and shall not require attorneys to complete additional training hours in addition to those currently required by the State Bar of Georgia. The Office of the Child Advocate shall exempt from the training required by this Code section attorneys who have practiced as

1 guardians ad litem in juvenile court deprivation proceedings for three or more years and,
2 when such determination is made by the court, have demonstrated a proficiency in child
3 representation."

4 **SECTION 2.**

5 This Act shall become effective upon its approval by the Governor or upon its becoming law
6 without such approval.

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.